UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,073	12/29/2000	John E. Schier	062891.0426	7747

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EXAMINER
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ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	**Applicant(s)**
Office Action Summary		09/752,073	SCHIER, JOHN E.
		Examiner	**Art Unit**	
		Tri H. Phan	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 June 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-12 and 14-27* is/are pending in the application.

    4a) Of the above claim(s) *3 and 13* is/are withdrawn from consideration.

5)☐ Claim(s) *8-9* is/are allowed.

6)☐ Claim(s) *1-2,4-7,10-12, and 14-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1.   This Office Action is in response to the Response/Amendment filed on June 30th, 2005.

Claims 3 and 13 are now canceled. Claims 1-2, 4-12, and 14-27 are now pending in the

application.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
1970); and *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
      A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground
provided the conflicting application or patent is shown to be commonly owned with this
application. See 37 CFR 1.130(b).
      Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37
CFR 3.73(b).

3.   Claims 1-2, 4-7, 10-12, and 14-27 are provisionally rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over claims 42-82 of

copending Application No. 09/658,873 (hereinafter refer as '873'). Although the conflicting

claims are not identical, they are not patentably distinct from each other because:

Claims 42-82 of patent '873' teaches essentially the system and method for securing the communications session, wherein the communication server ("communication module" in claims 1, 20, and 24 of the current application; "DSLAM" in claim 12 of the current application) receives the first request ("first input" in claim 1 of the current application) from the initiating device ("network multiplexer" in claims 1, 20, and 24 of the current application; "DSL modem" in claim 12 of the current application; wherein the "security module" of the current application is obvious in the initiating device, for encrypting/decrypting information with the identified algorithm, for secure in communicating with the communication server as disclosed in claim 44 of '873') using the first algorithm ("first algorithm" in claims 1, 20, and 24 of the current application) for securing the first communications, encrypts/decrypts ("encrypt/decrypt" in claims 1, 12, and 20 of the current application) the first message/information ("information" in claims 1, 20, and 24 of the current application) transferred to/from the initiating device, receives the second request ("second input" in claim 1) using the second algorithm ("second algorithm" in claims 1, 20, and 24 of the current application) for securing the second communications by encrypting/decrypting the information; determining/selecting the algorithm ("identifying the algorithm" in claims 2, 7, 11, 15-16, 21, and 25-26 of the current application); the communication module's database or the initiating device's storage medium for storing potential algorithm ("database" or "memory" in claims 4, 11, 16-19, 23, and 27 of the current application).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1, 20 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, the amended recitation "receiving a second input ... operable to identify a second algorithm associated with the communication module; ..." is vague and unclear because it is unclear where the "second input" comes from. It should be further noted that although the recitation is unclear with regard to where the "second input" comes from, the following art rejections can be used based upon the broadest interpretation of the claims.

Same rejection's reasons for the amended claims 20 and 24.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-2, 4-7, 10-12, and 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jardin, Cary A.** (U.S.6,671,810; hereinafter 'Jardin') in view of **Gidwani, Sanjay M.** (U.S.6,640,239; hereinafter 'Gidwani').

Although claims 1, 20 and 24 have been rejected under 35 U.S.C. 112 second paragraph

for being vague and unclear, the following art rejection applies to each scenario of claims 1, 20

and 24 as described in the 35 U.S.C. 112 second paragraph rejection above, as the "*second input*"

comes from the same network multiplexer as the same source with the "*first input*".

- In regard to claims 1, 20 and 24, **Jardin** discloses in Fig. 1 and in the respective

portions of the specification about the *encoded logic* ('server application' in figure 1), *method*

and device ('server 6' in figure 1; col. 4, lines 42-44) *for providing secure communication of*

information via a network comprising means for receiving a first input ('request 4'; for example

see col. 4, lines 44-49); *means for identifying a first algorithm operable to provide secure*

communication for a communication session ('security algorithm 14'; for example see figure 1;

col. 4, lines 58-61); *means for processing information for the communication session using the*

first algorithm ('child server process 12'; for example see figure 1; col. 4, lines 19-33; 58-61),

the first algorithm operable to decrypt and encrypt the transferred information to/from the

communication module ('server process 8'; For example see col. 4, lines 49-53; col. 5, lines 7-

12). **Jardin** does not explicitly disclose about the "*second algorithm*"; however, **Jardin** does

disclose wherein each time the client initializes the new process, a new random algorithm is

utilized; therefore, it is obvious that the "*second algorithm*" is a new process with a new

algorithm request from the client. **Jardin** further disclose about the client application (see figure

1) in requesting secure communications with the server; but fails to explicitly disclose the

"*network multiplexer*". However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server 'UIP Server' (*"DSL Access Multiplexer or DSLAM"*) and unified Internet portal client 'UIP Client' (*"communication module"*) to deploy DSL capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

- Regarding claims 2 and 25, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about *communicating an instruction to the communication module* ('client') *operable to identify the algorithm* (For example see col. 4, lines 29-33).

- In regard to claims 4 and 23, addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about *providing the database associated with the central office and reference information associated*

with the network (For example see col. 4, line 58 through col. 5, line 6); but fails to explicitly

disclose about the *"network multiplexer"*. However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the

specification about the system and method for intelligent scalable switching network, which

comprise the unified Internet portal server 'UIP Server' (*"DSL Access Multiplexer or DSLAM"*)

and unified Internet portal client 'UIP Client' (*"communication module"*) to deploy DSL

capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization

through the use of encryption/decryption of the Conditional Access Module ('CAM'; For

example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the client/server applications as taught by **Jardin** into the

UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to

secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines

26-58.

- Regarding claims 5-7, in addition to features in base claim 1 (see rationales pertaining

the rejection of base claim 1 discussed above), **Jardin** further discloses about *determining*

subscribers and associated communication modules for the network multiplexer (For example

see col. 4, lines 44-53) *and updating the database based on the determined subscribers and*

communication modules (For example see col. 4, lines 58-67); wherein *identifying an algorithm*

and updating the database associated with the new communication module are just the initiating

process for the request from the client and storing information in the storage device as disclosed

in col. 4, lines 42-57 or col. 5, lines 17-20.

- In regard to claims 10 and 26, addition to features in base claim 1 (see rationales

pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about

determining the communication session and processing information to provide the secure

communication in response to determining the session (For example see col. 4, lines 27-33), but

fails to explicitly disclose about the *"network multiplexer"*. However, such implementation is

known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the

specification about the system and method for intelligent scalable switching network, which

comprise the unified Internet portal server 'UIP Server' (*"DSL Access Multiplexer or DSLAM"*)

and unified Internet portal client 'UIP Client' (*"communication module"*) to deploy DSL

capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization

through the use of encryption/decryption of the Conditional Access Module ('CAM'; For

example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the client/server applications as taught by **Jardin** into the

UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to

secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines

26-58.

- Regarding claims 11 and 27, in addition to features in base claim 1 (see rationales

pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about

determining the algorithm operable to provide the secure communication, communicating the

algorithm to the communication module (For example see col. 4, lines 27-33) *and storing the*

algorithm within the memory (For example see col. 4, lines 58-65).

- In regard to claim 12, **Jardin** discloses in Fig. 1 and in the respective portions of the

specification about the *device* ('server 6' in figure 1; col. 4, lines 42-44) *operable to provide*

secure communication of information via a high speed network comprising a security module

operable to provide secure communication of information ('server process'; For example see

Fig. 1; col. 2, lines 1-6), *wherein the security module includes one or more algorithms* ('security

algorithm pool 16' in figure 1; for example see col. 4, lines 58-61) *operable to decrypt and*

encrypt transferred information to/from the communication module (for example see col. 4, lines

49-53; col. 5, lines 7-12). **Jardin** does not explicitly disclose about the "*switching from one*

algorithm to a different algorithm during a communication session"; however, **Jardin** does

disclose wherein the client and server application have the ability to dynamically bind and use

security algorithms (for example see col. 4, lines 19-23; whenever the client needs to be

modified with the security algorithm as disclosed in col. 3, line 48 through col. 4, line 8; thus, it

is obvious that the application can be *switched from one algorithm to a different algorithm*

during the communication session). **Jardin** discloses about the client application in requesting

secure communications with the server application (see figure 1); but fails to explicitly disclose

about the "*DSL modem*" and "*DSLAM*". However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the

specification about the system and method for intelligent scalable switching network, which

comprise the unified Internet portal server 'UIP Server' (*"DSL Access Multiplexer or DSLAM"*)

and unified Internet portal client 'UIP Client' (*"DSL modem"*) to deploy DSL capability (For

example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use

of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3;

col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the client/server applications as taught by **Jardin** into the

UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to

secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines

26-58.

- Regarding claims 14 and 15, in addition to features in base claim 12 (see rationales

pertaining the rejection of base claim 12 discussed above), **Jardin** further discloses about

receiving the instruction to identifying the algorithm for use by the security (For example see col.

5, lines 25-30) *and reference operable to identify the algorithm* (For example see col. 4, line 65

through col. 5, line 6), but fails to explicitly disclose about the *"DSL modem"* and *"DSLAM"*.

However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the

specification about the system and method for intelligent scalable switching network, which

comprise the unified Internet portal server 'UIP Server' (*"DSL Access Multiplexer or DSLAM"*)

and unified Internet portal client 'UIP Client' ("*DSL modem*") to deploy DSL capability (For

example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use

of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3;

col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the client/server applications as taught by **Jardin** into the

UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to

secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines

26-58.

- In regard to claims 16 and 17, in addition to features in base claim 12 (see rationales

pertaining the rejection of base claim 12 discussed above), **Jardin** further discloses about the

database ('pool or library or storage device') *which comprises subscriber information and*

session information (For example see col. 4, lines 42-65), but fails to explicitly disclose about the

"*DSL modem*" and "*DSLAM*". However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the

specification about the system and method for intelligent scalable switching network, which

comprise the unified Internet portal server 'UIP Server' ("*DSL Access Multiplexer or DSLAM*")

and unified Internet portal client 'UIP Client' ("*DSL modem*") to deploy DSL capability (For

example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use

of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3;

col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15) and store the information in the

storage device (*"DSLAM database"*; For example see col. 3, lines 20-26; col. 11, lines 1-18).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the client/server applications as taught by **Jardin** into the

UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to

secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines

26-58.

- Regarding claims 18 and 19, in addition to features in base claim 12 (see rationales

pertaining the rejection of base claim 12 discussed above), **Jardin** further discloses about the

memory operably coupled to the security module to store the algorithm (For example see Fig. 1;

col. 4, lines 59-65), but fails to explicitly disclose about the *"DSL modem"* and *"DSLAM"*

coupled to the *"central office"*. However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the

specification about the system and method for intelligent scalable switching network, which

comprise the unified Internet portal server 'UIP Server' (*"DSL Access Multiplexer or DSLAM"*)

on the Central office side (*"central office"*) and unified Internet portal client 'UIP Client' (*"DSL

modem"*) on the customer premise side to deploy DSL capability (For example see Figs. 1-2; col.

20, lines 1-17) with security control and authorization through the use of encryption/decryption

of the Conditional Access Module ('CAM'; For example see Fig. 3; col. 25, lines 12-53; col. 67,

line 44 through col. 68, line 15) and store the information in the storage device (*"central office

database"*; For example see col. 3, lines 20-26; col. 11, lines 1-18)..

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the client/server applications as taught by **Jardin** into the

UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to

secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines

26-58.

- In regard to claims 21 and 22, in addition to features in base claim 20 (see rationales

pertaining the rejection of base claim 20 discussed above), **Jardin** further discloses about

determining the algorithm and communicating an instruction to the communication module (For

example see col. 4, lines 27-33); *receiving the instruction identifying the algorithm at the*

communication module ('client') *and providing the secure communication based on the*

identified algorithm (For example see col. 5, lines 25-30); but fails to explicitly disclose about

the "*network multiplexer*". However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the

specification about the system and method for intelligent scalable switching network, which

comprise the unified Internet portal server 'UIP Server' ("*DSL Access Multiplexer or DSLAM*")

and unified Internet portal client 'UIP Client' ("*communication module*") to deploy DSL

capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization

through the use of encryption/decryption of the Conditional Access Module ('CAM'; For

example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of

the invention was made to implement the client/server applications as taught by **Jardin** into the

UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

Response to Amendment/Arguments

8.   Applicant's arguments filed on June 30th, 2005 have been fully considered but they are not persuasive.

In regard to claim 12, Applicant mainly argues that the combination of **Jardin** and **Gidwani** fails to disclose the method for switching from one algorithm to a different algorithm during a communication session. Examiner respectfully disagrees. **Jardin** does not explicitly disclose about the *"switching from one algorithm to a different algorithm during a communication session"*; however, **Jardin** does disclose wherein the client and server application have the ability to dynamically bind and use security algorithms (for example see col. 4, lines 19-23; whenever the client needs to be modified with the security algorithm as disclosed in col. 3, line 48 through col. 4, line 8; thus, it is obvious that the application can be *switched from one algorithm to a different algorithm during the communication session*). Therefore, Examiner concludes that the combination of **Jardin** and **Gidwani** teaches the arguable features.

Claims 2, 4-7, 10-11, 14-19, 21-23, and 25-27 are rejected as in Part 7 above of this Office action and by virtue of their dependence from claims 1, 12, 20, and 24.

Allowable Subject Matter

9.   Claims 8-9 are allowed. The following is an examiner's statement of reasons for allowance:

Claims 8-9 are considered allowable since when reading the claims in light of the

specification, none of the references of record-alone or in combination disclose or suggest the

combination of limitations specified in the independent claims including.

Substantially regarding claim 8, the prior art of records, i.e. **Jardin, Cary A.**

(U.S.6,671,810) and **Gidwani, Sanjay M.** (U.S.6,640,239), are cited to show system and method

for providing secure communications over the intelligent scalable switching network, but fails to

show how to synchronizing the central office database with the network multiplexer database.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

10.   Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri H. Phan
October 29, 2005

BRIAN NGUYEN
PRIMARY EXAMINER